IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

DAVID LOMASCOLA and RON BURCH,

Plaintiffs,

VS.

No. 1:11-CV-01103-KBM-ACT

BNSF RAILWAY COMPANY, KERRY LEE MCKEAN and VALERIE COOK,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

THE COURT, having before it Plaintiffs and Defendants BNSF Railway Company and Kerry Lee McKean's Joint Motion to Dismiss with Prejudice, FINDS that the Motion is well taken.

IT IS THEREFORE ORDERED that Plaintiffs' Complaint is dismissed with prejudice against Defendants BNSF Railway Company and Kerry Lee McKean.

HONORABLE KAREN B. MOLZEN

Presiding by Consent

SUBMITTED BY:

ROPTY PIOWAGON OF AN, AKIN & ROBB, P.A.

By WKATAPO ____

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APPROVED BY:

By: Approved by David Freeman via email on 12/12/12

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